

COASTAL CONSERVANCY

Staff Recommendation

June 20, 2013

FEDERAL GOVERNMENT LIAISON

Project No. 08-037

Project Manager: Sam Schuchat/Dick Wayman

RECOMMENDED ACTION: Authorization to disburse up to \$270,000 for consulting services to assist the Conservancy in maintaining and improving federal support for Conservancy projects.

LOCATION: Statewide

PROGRAM CATEGORY: Administration

EXHIBIT

Exhibit 1: [Federal Appropriations for Coastal Conservancy Projects 2003-2014](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31100 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred seventy thousand dollars (\$270,000) to provide consulting services to assist the Conservancy in maximizing and facilitating federal funding of State Coastal Conservancy projects, including federal appropriations and authorization processes and coordination with federal project partners.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
 2. The proposed authorization is consistent with the purposes and objectives of Chapter 3 of Division 21 of the Public Resources Code, regarding the Executive Officer’s authority to carry out the purposes of Division 21 and the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources.”
-

PROJECT SUMMARY:

Staff recommends authorization for the disbursement of up to \$270,000 for consulting services to assist the Conservancy in maintaining and improving federal support for Conservancy projects.

This authorization would enable the Conservancy to continue contracting for consulting services to maintain and improve federal support for Conservancy projects in which the federal government has or may have a significant role. The services would include promoting Conservancy projects and developing and pursuing federal appropriations and authorizations for those projects. The services would also facilitate the Conservancy's ability to respond to Congressional actions and authorization proceedings.

The Conservancy and the federal government have been jointly involved in several major conservation projects, including Hamilton Wetlands/Bel Marin Keys wetlands restoration, Napa River Salt Marsh restoration, South Bay Salt Ponds/South San Francisco Bay Shoreline Study, Matilija Dam removal, and San Clemente Dam removal. These large-scale projects are dependent on continued receipt of federal funding. Funding for these projects is subject to Congressional approval and review by agencies such as the Office of Management and Budget, the U.S. Army Corps of Engineers (COE), the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service.

Since March 2005 a consulting firm has represented the Conservancy's needs and interests to Congressional representatives and federal agency staff. That firm developed and supported authorizations for Conservancy projects with Congress and aggressively worked with key federal agencies and the executive branch to secure project approvals and disbursement of authorized funds. The Conservancy originally contracted for these services because of the difficulties in receiving federal funding previously appropriated for its projects. The consultant's services can be credited with much of the Conservancy's success in obtaining federal support for its projects since 2005.

Exhibit 1 shows federal funding received for Conservancy projects since 2003 and funding sought for FY 2013-14. As a result of efforts by Conservancy staff and our contractor, in FY 2012 alone Conservancy projects were allocated more than \$15 million from federal appropriations. The consultant is currently assisting the Conservancy in securing funding in the COE Work Plan for 2013, in requests for appropriations in the FY 2014 federal budget and the next Water Resources Development Act (WRDA), and with project approvals at the COE and the Assistant Secretary of the Army's office.

We expect federal appropriations for Conservancy projects in the next few years to be lower than the recent past due to an overall reduction of federal spending and the near completion of construction at Hamilton Wetlands, Napa Marsh, and other projects identified in Exhibit 1. In the immediate future, however, consultant services will be invaluable in securing necessary funding for the South Bay Shoreline Study and subsequent construction, Matilija Dam removal, and planning for the Bel Marin Keys wetland restoration.

Federal consulting services have also greatly improved the efficiency of Conservancy staff visits to Washington in support of projects. Since contracting for these services, staff has been able to arrange meetings with many members of Congress, key Congressional staff, and high-ranking administration officials within the departments of Defense, Commerce, and Interior and the

Council on Environmental Quality to apprise them of federally-funded, Conservancy projects and our unmet funding needs.

Staff expects the \$270,000 recommended would fund services through 2015.

Project History: Prior Conservancy authorizations to contract for federal consulting services are as follows: April 2006, \$250,000; September 2009, \$285,000; July 2011, \$270,000. Prior and subsequent to those authorizations the Executive Officer has contracted for additional services using his delegated authority to address the Conservancy's needs.

PROJECT FINANCING

Coastal Conservancy

\$270,000

Staff expects to use funds from the FY 12/13 appropriation to the State Coastal Conservancy Fund of 1976. Funds in the Coastal Conservancy Fund may be used for the support of the Conservancy, including projects in any of our program areas and hiring external consultants to assist us with project management and development. Consistent with federal and State requirements, no federal funds or State bond funds will be used for this project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 3 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code and is consistent with Chapters 4.5, 5.5, and 6 of Division 21.

The Conservancy is authorized under Section 31104 of the Public Resources Code to apply for and accept federal grants and receive other financial support from public sources. This authorization would facilitate the Conservancy's ability to apply for and receive federal funding for its projects.

All of the individual projects that this authorization would support have been or would be authorized under Chapters 4.5, 5.5, and/or 6 of the Conservancy's enabling legislation. Each of the individual projects is or will be consistent with the Conservancy's enabling legislation and this authorization is designed to support those projects. The authorization would assist with implementation of Public Resources Code Section 31160 *et seq.*, regarding the Conservancy's authority to address resource goals of the San Francisco Bay Area; Section 31220, regarding the Conservancy's authority to restore fish and wildlife habitat within coastal watersheds and coastal and marine waters; and Section 31251 *et seq.*, regarding the Conservancy's authority to conduct enhancement projects within the coastal zone. All of the projects that have been or will be represented in Washington, D.C. involve restoration or enhancement of habitat either in the nine-county San Francisco Bay Area, in coastal watersheds, or in the coastal zone.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOALS & OBJECTIVES:

Many of the projects that benefited from previous federal consulting services are identified in the Conservancy's 2013 – 2018 Strategic Plan as key accomplishments. The proposed authorization would assist in obtaining and coordinating necessary federal financial support for several large, complex Conservancy projects, each of which is consistent with one or more of the following goals and objectives of the Strategic Plan:

Goal 5: Restore and enhance biological diversity in coastal watersheds.

Objective 5A: Develop plans for the restoration and enhancement of coastal habitats, including coastal wetlands and intertidal areas, stream corridors, dunes, coastal terraces, coastal sage scrub, forests, and coastal prairie.

Objective 5B: Restore or enhance coastal habitats, including coastal wetlands and intertidal areas, stream corridors, dunes, coastal terraces, coastal sage scrub, forests, and coastal prairie.

Objective 5C: Develop plans to preserve and enhance coastal watersheds and floodplains.

Objective 5D: Implement projects that preserve, enhance, coastal watersheds and floodplains.

Objective 5E: Implement projects to improve fish habitat including projects to remove barriers to fish passage, ensure sufficient instream flow, and provide instream habitat and favorable water temperatures.

Objective 5F: Complete plans to improve water quality to benefit coastal and ocean resources.

Objective 5G: Implement projects to improve water quality to benefit coastal and ocean resources.

Goal 7: Enhance the resiliency of coastal communities and ecosystems to the impacts of climate change.

Objective 7A: In cooperation with public agencies, universities, and non-governmental organizations, identify significant climate-related threats, management challenges, and priority technical assistance needed to maintain resilient coastal communities and natural resources.

Objective 7B: Conduct site-specific, regional, and landscape-level vulnerability assessments from sea level rise and extreme storm events, and develop adaptation plans and strategies to address threats to coastal communities and public infrastructure in ways that protect natural resources and provide maximum public benefits.

Objective 7C: Conduct site-specific, regional, and landscape-level vulnerability assessments of uplands and waterways, and develop adaptation plans to address predicted climate change impacts to natural resources, biodiversity, and critical habitat.

Objective 7D: Implement adaptation pilot projects that reduce hazards from sea level rise and extreme storm events, and which protect natural resources and maximize public benefits.

Objective 7E: Implement adaptation pilot projects that address climate change impacts to uplands natural resources, biodiversity, and critical habitat.

Objective 7F: Implement projects that reduce greenhouse gases by increasing carbon sequestration, or by supporting land uses that reduce energy consumption including vehicle miles traveled.

Goal 11: Protect and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance in the Bay Area.

Objective 11A: Protect tidal wetlands, managed wetlands, seasonal wetlands, riparian habitat, and subtidal habitat.

Objective 11B: Protect wildlife habitat, connecting corridors, scenic areas, and other open-space resources of regional significance.

Objective 11C: Develop plans for enhancement of tidal wetlands, managed wetlands, seasonal wetlands, upland habitat, and subtidal habitat.

Objective 11D: Enhance tidal wetlands, managed wetlands, seasonal wetlands, upland habitat, and subtidal habitat.

Objective 11E: Develop plans for enhancement of riparian and riverine habitat or other watershed functions and processes for the benefit of wildlife or water quality, including removal of barriers to fish passage or projects that ensure sufficient instream flow.

Objective 11F: Enhance riparian and riverine habitat or other watershed functions and processes for the benefit of wildlife or water quality, including removal of barriers to fish passage or projects that ensure sufficient instream flow.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This authorization would provide for federal representation and advocacy of projects that are supported by many organizations and agencies. The consultant

providing the representation will also be available to assist stakeholders and supporters in their advocacy for federal funds and authorization language related to Conservancy projects.

4. **Location:** All of the Conservancy's projects that would be represented by a consultant under this authorization are located within the coastal zone, a coastal watershed, or the nine-county San Francisco Bay region.
5. **Need:** As evidenced by Exhibit 1, without this authorization there would likely be a significant reduction in federal funding appropriated for Conservancy projects. Ultimately, far greater amounts of State and other non-federal dollars would be needed to continue projects, and some projects would be significantly delayed or canceled.
6. **Greater-than-local interest:** All of the Conservancy's federally-funded projects are of national interest, which qualifies them for federal investment.
7. **Sea-level rise vulnerability:** All projects affected by the proposed authorization that are located within areas vulnerable to future sea-level rise have been or will be assessed for potential effects of sea-level rise. Planning for these projects will consider a range of sea-level rise scenarios in order to assess project vulnerability. To the extent feasible, the design of these projects will include elements to reduce expected risks and increase resiliency to sea-level rise. Funding for this project, in itself, is not affected by sea level rise.

Additional Criteria

8. **Urgency:** The Conservancy's federally funded projects have typically been in planning for many years, have been determined to be of national significance, and are dependent on federal funding. Federal representation will assist the Conservancy with completing large, complex projects in a timely fashion. The recent overall reduction in federal appropriations and the resulting competition for limited federal funds makes it especially crucial that the Conservancy be appropriately represented in Washington DC at this time. Delay or loss of federal funding would threaten the continuation or success of some of the Conservancy's most significant projects.
9. **Resolution of more than one issue:** Many of the Conservancy's federally funded projects resolve more than one issue. For example: Napa River Salt Marsh combines ecosystem restoration, recycled water reuse, and public access; South San Francisco Bay Shoreline Study combines ecosystem restoration, flood management, and public access; Hamilton Airfield/Bel Marin Keys combines ecosystem restoration and dredge material reuse.
10. **Leverage:** See the "Project Summary" section above.
14. **Realization of prior Conservancy goals:** See "Urgency" and "Project Summary" above. The Conservancy has invested significant funds and staff time in all of its federally funded projects.
16. **Cooperation:** All of the Conservancy's federally funded projects involve several participants. For example, the Santa Clara Valley Water District has signed the Feasibility Cost Share Agreement with the Conservancy and the U.S. Army Corps of Engineers for the South San Francisco Bay Shoreline Study. Another example is the Port of Oakland's use of Hamilton Airfield as a site for deposition of dredged materials. Federal funding, itself, indicates

cooperation between the federal and State governments on large, landscape-level projects that typically involve a multitude of participants.

17. **Minimization of Greenhouse Gas Emissions:** Local representation in Washington, D.C. has enabled a reduction in the number of trips made by staff to the nation's Capitol, thereby reducing greenhouse gas emissions resulting from staff's air travel and other emissions associated with out-of-state travel.

COMPLIANCE WITH CEQA:

The activities authorized involve basic resource evaluation and data collection and dissemination activities that will have little or no direct effect on the environment. Under 14 California Code of Regulations Section 15306, basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource are categorically exempt from California Environmental Quality Act review. The individual projects supported by this authorization have each undergone review under the California Environmental Quality Act. Upon approval, staff will file a Notice of Exemption.